

**THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 11, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused -- Crow, Lake, Loertscher, Roberts, Rusche. Total -- 5.

Total -- 70.

Prayer was offered by Representative Harwood.

The Pledge of Allegiance was led by Katie Haffner, Page.

Approval of Journal

February 11, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

At this time, the Speaker put the House at ease.

A Lincoln Day Memorial Service was presented to the members of the House.

Opening Remarks Representative Rydalch
Choral Performance Boise State University Meistersingers
Giselle Wyers, Director

Tribute to President Abraham Lincoln
..... The Honorable Skip Smyser
Closing Representative LaFavour

Prior to going at ease, the House was at the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

February 10, 2005

Mr. Speaker:

I return herewith enrolled **HCR 5** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 5** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

February 10, 2005

Mr. Speaker:

I transmit herewith **SCR 106, S 1052, S 1064, and S 1067** which have passed the Senate.

WOOD, Secretary

SCR 106, S 1052, S 1064, and S 1067 were filed for first reading.

Report of Standing Committees

February 11, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 151, H 152, H 153, H 154, H 155, H 156, H 157, H 158, H 159, H 160, H 161, H 162, H 163, and H 164.**

FIELD(18), Chairman

H 151 and H 164 were referred to the Revenue and Taxation Committee.

H 152, H 153, and H 154 were referred to the Resources and Conservation Committee.

H 155, H 156, H 157, and H 158 were referred to the Judiciary, Rules, and Administration Committee.

H 159, H 160, H 161, H 162, and H 163 were referred to the Business Committee.

February 11, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 2.**

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 2**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 3 and HCR 4** to the Secretary of State at 1:33 p.m., as of this date, February 10, 2005.

FIELD(18), Chairman

February 10, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **S 1002** and recommend it be referred to the Education Committee.

WOOD, Chairman

S 1002 was referred to the Education Committee.

February 11, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 84** and recommend that it do pass.

DEAL, Chairman

H 84 was filed for second reading.

February 11, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 85** and report it back with amendments attached to be placed on General Orders for consideration.

DEAL, Chairman

H 85 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 12 BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING A MODIFICATION TO EXISTING HOME AND COMMUNITY-BASED DEVELOPMENTAL DISABILITIES WAIVER PROGRAMS THAT INCLUDES AN OPPORTUNITY FOR INDIVIDUALS TO SELF-DIRECT THEIR OWN SERVICES AND SUPPORTS, ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO PROCEED WITH WAIVERS AND OTHER IMPLEMENTATION PROCEDURES AND TO REPORT TO THE LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the state of Idaho has home and community-based services available to eligible adults to avoid institutionalization; and

WHEREAS, the Department of Health and Welfare, in accordance with House Concurrent Resolution No. 29 of the First Regular Session of the Fifty-seventh Idaho Legislature, has been collaborating with the Idaho Council on Developmental Disabilities, service providers, consumers and advocates to develop a self-directed model of services and supports that provides an additional option to home and community-based waiver recipients; and

WHEREAS, the Department of Health and Welfare collaborated with the Idaho Council on Developmental Disabilities to obtain a grant to develop the necessary infrastructure to provide a new option for receiving services and supports under existing waiver programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department is encouraged to proceed with an application

to amend its existing waivers for individuals with developmental disabilities to include a self-directed system option for all individuals with developmental disabilities who are eligible for waiver services. This option presents waiver recipients who are living in their own homes and communities with the opportunity to control and direct Medicaid funds.

BE IT FURTHER RESOLVED that the Legislature encourages the Department to continue its collaboration with the Idaho Council on Developmental Disabilities, as well as other stakeholders that represent other home and community-based waiver participants.

BE IT FURTHER RESOLVED that the Legislature encourages the Department to pursue a test program that provides for evaluation of the system design and respond with necessary changes to meet the objectives of this new option. The test should be of a size that provides sufficient information for statewide implementation. Due to the initiative and time investment of the Idaho Council on Developmental Disabilities, the service option would be offered to eligible individuals under the Developmental Disabilities Home and Community-based Waiver Program. The Legislature acknowledges that the test program will require approval of the federal Centers for Medicare and Medicaid Services (CMS) prior to implementation.

BE IT FURTHER RESOLVED that the infrastructure costs associated with the test program, evaluation and start-up of statewide implementation are covered by the Independence Plus Grant awarded to the Department of Health and Welfare by the Centers for Medicare and Medicaid Services. However, after the third year of the grant, ending September 30, 2006, there may be some additional administrative costs associated with the implementation and ongoing monitoring of this program.

BE IT FURTHER RESOLVED that the Department of Health and Welfare report the results of the test program to the Second Regular Session of the Fifty-eighth Idaho Legislature along with recommendations for any further legislative action, including additional personnel needed by the Department based on the findings of the test program.

HOUSE PROCLAMATION NO. 1 BY STATE AFFAIRS COMMITTEE

A PROCLAMATION

COMMENDING THE DYNAMIC LEGISLATIVE CAREER OF REPRESENTATIVE HILDE KELLOGG.

We, the members of the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature proclaim that:

WHEREAS, Hilde Kellogg first entered the House of Representatives in 1983, and ultimately served twenty years in the Idaho Legislature; and

WHEREAS, Representative Kellogg served with distinction and perseverance on behalf of her constituents in north Idaho and was known as the champion of improvements to U.S. 95, the redistribution formula for the sales tax to recognize growth areas in the north, and legalization of dog racing to the benefit of the Greyhound Park in Post Falls; and

WHEREAS, Representative Kellogg was recognized by the naming of the pace rabbit at the Greyhound park "Hilde" and

race fans remember fondly the call, "Here comes Hilde"; and

WHEREAS, Hilde Kellogg has served her community in virtually every public service capacity including President and Board member of the Post Falls Chamber of Commerce, President and Board member of the YMCA, member of the Post Falls City Council, Chairman of the Planning and Zoning Commission, area agency on aging, Special Olympics, United Way, and so many more; and

WHEREAS, although born in Grand Island, Nebraska, after Hilde came to Idaho in the 1950s, she started several businesses and, along with her sister, was a dynamic force in the economy of Post Falls and north Idaho; and

WHEREAS, in her last term in the Idaho Legislature, Hilde was the senior member of the Legislature, but no one could say that her age slowed her legislative pace or that her physical infirmities compromised her mental acuity of forceful representation of the issues of her district; and

WHEREAS, common sense, good humor and genuine interest in the welfare of others marked the distinguished legislative career of Representative Hilde Kellogg; and

WHEREAS, it is appropriate that her fellow legislators in the Idaho House of Representatives celebrate the commendable career of Hilde Kellogg.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Representatives assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, that, on behalf of the Fifty-eighth Idaho Legislature, the Speaker of the House of Representatives declares February 18, 2005, Hilde Kellogg Day in the House of Representatives to recognize and celebrate the sterling legislative career of Representative Hilde Kellogg.

HCR 12 and **HP 1** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 106, by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 165 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO CAPITAL GAINS AND THE STATE INCOME TAX; AMENDING SECTION 63-3022H, IDAHO CODE, TO REDUCE THE LENGTH OF TIME REAL PROPERTY MUST BE HELD TO QUALIFY FOR CAPITAL GAINS TREATMENT FOR STATE INCOME TAX PURPOSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 166 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE CIRCUIT BREAKER PROPERTY TAX RELIEF PROGRAM; AMENDING SECTION 63-705,

IDAHO CODE, TO PROVIDE FOR A MAXIMUM INCOME LIMITATION OF TWENTY-FIVE THOUSAND DOLLARS FOR TAX YEAR 2005 AND TO PROVIDE FOR A MAXIMUM TAX REDUCTION OF ONE THOUSAND TWO HUNDRED DOLLARS IN TAX YEAR 2005 AND THEREAFTER; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 167 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO ANIMALS; AMENDING SECTION 25-3503, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO THE SALE AND USE OF STRYCHNINE, TO PROVIDE DESCRIPTIVE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-3504, IDAHO CODE, TO SET FORTH PROHIBITED CONDUCT RELATED TO ANIMALS AND TO PROVIDE FOR PUNISHMENT; REPEALING SECTIONS 25-3506 AND 25-3507, IDAHO CODE, RELATING TO EXHIBITIONS OF COCKFIGHTS AND DOGFIGHTS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3506, IDAHO CODE, TO PROHIBIT ANIMAL FIGHTING, TO PROVIDE FOR PUNISHMENT AND TO SET FORTH EXEMPTIONS; AMENDING SECTION 25-3510, IDAHO CODE, TO PERMIT PERSONS TO PROVIDE NECESSARY FOOD AND WATER TO DOMESTIC ANIMALS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR NONLIABILITY AND THE COLLECTION OF REASONABLE COSTS AND TO PROVIDE FOR THE REMOVAL OF ANIMALS INTO PROTECTIVE CUSTODY UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO PROVIDE CODE REFERENCES.

HOUSE BILL NO. 168 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO ANIMALS; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 25, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS RELATING TO THE APPLICATION OF CERTAIN MANURE, TO PROVIDE FOR INSPECTIONS, TO PROVIDE FOR CIVIL VIOLATIONS AND PENALTIES AND TO AUTHORIZE THE PROMULGATION OF RULES.

HOUSE BILL NO. 169 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO APPORTIONMENT OF FUNDS FROM THE HIGHWAY DISTRIBUTION ACCOUNT TO LOCAL UNITS OF GOVERNMENT; AMENDING SECTION 40-709, IDAHO CODE, TO PROVIDE THAT CITIES SHALL RECEIVE NO LESS MONEY THAN THEY RECEIVED IN THE PREVIOUS FISCAL YEAR FROM THE HIGHWAY DISTRIBUTION ACCOUNT IF REVENUES IN THE HIGHWAY DISTRIBUTION ACCOUNT MEET OR EXCEED THE PREVIOUS FISCAL YEAR'S REVENUES AND TO

PROVIDE FOR SURPLUS DISTRIBUTION.

HOUSE BILL NO. 170
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO CANOLA AND RAPESEED COMMISSION; AMENDING SECTION 22-4720, IDAHO CODE, TO REVISE AUDIT PROVISIONS RELATING TO MONEYS RECEIVED OR EXPENDED BY THE COMMISSION.

HOUSE BILL NO. 171
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO DAIRY FARMS; AMENDING SECTION 37-401, IDAHO CODE, TO PROVIDE REQUIREMENTS RELATING TO CERTAIN RECIPIENTS OF DAIRY FARM LIVESTOCK WASTE, PROCESS WASTEWATER, TO PROVIDE FOR NUTRIENT MANAGEMENT PLANS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 172
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO BEEF CATTLE ANIMAL FEEDING OPERATIONS; AMENDING SECTION 22-4902, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LEGISLATIVE INTENT; AMENDING SECTION 22-4903, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO REGULATE CERTAIN RECIPIENTS OF MANURE OR PROCESS WASTEWATER; AMENDING SECTION 22-4906, IDAHO CODE, TO REQUIRE CERTAIN RECIPIENTS OF MANURE OR PROCESS WASTEWATER TO SUBMIT NUTRIENT MANAGEMENT PLANS TO THE DIRECTOR FOR APPROVAL AND TO PROVIDE FOR APPROVED NUTRIENT MANAGEMENT PLANS; AMENDING SECTION 22-4907, IDAHO CODE, TO PROVIDE FOR INSPECTIONS OF LAND OWNED OR OPERATED BY CERTAIN RECIPIENTS OF MANURE OR PROCESS WASTEWATER, TO AUTHORIZE THE DEPARTMENT TO ACCESS AND COPY CERTAIN RECORDS BELONGING TO THE RECIPIENT AND TO REVISE CRITERIA RELATING TO REASONABLE ACCESS OF THE DIRECTOR; AMENDING SECTION 22-4909, IDAHO CODE, TO PROVIDE FOR THE DIRECTOR'S IDENTIFICATION OF ITEMS OF NONCOMPLIANCE UPON LAND WHERE MANURE OR PROCESS WASTEWATER HAS BEEN PLACED BY CERTAIN RECIPIENTS, TO AUTHORIZE THE ASSESSMENT OF CERTAIN CIVIL PENALTIES AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 22-4910, IDAHO CODE, TO PROVIDE THAT CERTAIN RECIPIENTS OF MANURE OR PROCESS WASTEWATER THAT ARE IN COMPLIANCE WITH SPECIFIED LAWS SHALL NOT BE SUBJECT TO CERTAIN STATE ENFORCEMENT ACTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 173
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO LARGE SWINE AND POULTRY FEEDING OPERATIONS; AMENDING SECTION 39-104A, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROMULGATE RULES REGULATING CERTAIN RECIPIENTS OF MANURE OR PROCESS WASTEWATER FROM LARGE SWINE OR POULTRY OPERATIONS AND TO PROVIDE REQUIREMENTS FOR CERTAIN RECIPIENTS OF MANURE OR PROCESS WASTEWATER FROM LARGE SWINE OR POULTRY OPERATIONS.

HOUSE BILL NO. 174
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO REVISE A DEFINITION AND TO PROVIDE THAT CERTAIN ACTIVITIES CONSTITUTE MARKETING OF DOMESTIC CERVIDAE; AMENDING SECTION 25-3502, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 73, LAWS OF 1994, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS RELATING TO THE RELATIONSHIP OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF FISH AND GAME RELATING TO THE DOMESTIC FARMING OF CERVIDAE; AMENDING SECTION 25-3703A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO IDENTIFICATION REQUIREMENTS FOR DOMESTIC CERVIDAE; AMENDING SECTION 25-3704, IDAHO CODE, TO AUTHORIZE THE ADMINISTRATOR OF THE DIVISION OF ANIMAL INDUSTRIES TO MAKE, PROMULGATE, AND ENFORCE RULES RELATING TO THE IMPLEMENTATION OF A VOLUNTARY CHRONIC WASTING DISEASE CERTIFICATION AND SURVEILLANCE PROGRAM; AMENDING SECTION 25-3505, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 73, LAWS OF 1994, TO REDESIGNATE THE SECTION, TO AUTHORIZE CERTAIN INSPECTIONS AND TO PROVIDE FOR COMPENSATION OF ANIMALS INJURED OR KILLED DURING THE COURSE OF AN INSPECTION; AMENDING SECTION 25-3705A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ESCAPE OF DOMESTIC CERVIDAE; AMENDING SECTION 25-3706, IDAHO CODE, TO PROVIDE FOR THE DEPOSIT OF MONEYS COLLECTED FOR SPECIFIED VIOLATIONS IN THE DOMESTIC CERVIDAE FUND; AMENDING SECTION 25-3708, IDAHO CODE, TO PROVIDE FOR THE DOMESTIC CERVIDAE FUND AND TO PROVIDE FOR THE DEPOSIT AND DISBURSEMENT OF MONEYS RELATING TO THE FUND; AMENDING SECTION 25-1910, IDAHO CODE, TO PROVIDE FOR CIVIL DAMAGES UPON THEFT OR UNLAWFUL DESTRUCTION OF DOMESTIC CERVIDAE, TO PROVIDE THAT CERTAIN ACTIONS SHALL CONSTITUTE FELONIES AND TO PROVIDE FOR CIVIL DAMAGES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 175
BY AGRICULTURAL AFFAIRS COMMITTEE
 AN ACT

RELATING TO BEEF CATTLE; AMENDING THE HEADING FOR CHAPTER 49, TITLE 22, IDAHO CODE; AMENDING SECTION 22-4901, IDAHO CODE, TO REVISE THE SHORT TITLE; AMENDING SECTION 22-4902, IDAHO CODE, TO REVISE THE DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT RELATING TO THE BEEF CATTLE INDUSTRY; AMENDING SECTION 22-4903, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR THE AUTHORITY AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF AGRICULTURE RELATING TO BEEF CATTLE OPERATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-4904, IDAHO CODE, TO DEFINE TERMS AND TO REVISE DEFINITIONS; AMENDING SECTION 22-4905, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 22-4906, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE NUTRIENT MANAGEMENT PLAN PROVISIONS RELATING TO BEEF CATTLE OPERATIONS; AMENDING CHAPTER 49, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-4907, IDAHO CODE, TO PROVIDE FOR LIVESTOCK SUSTAINABLE MANAGEMENT PLANS; AMENDING SECTION 22-4907, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR INSPECTIONS OF BEEF CATTLE OPERATIONS AND FACILITY RECORDS TO ENSURE COMPLIANCE WITH STATE LAW, TO REVISE TERMINOLOGY AND TO PROVIDE THAT CERTAIN RECORDS SHALL BE CONFIDENTIAL AND EXEMPT FROM PUBLIC DISCLOSURE; AMENDING SECTION 22-4908, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT NO BEEF CATTLE OPERATION SHALL CAUSE AN UNAUTHORIZED DISCHARGE TO WATERS OF THE STATE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 22-4909, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 22-4910, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT BEEF CATTLE OPERATIONS OPERATING IN COMPLIANCE SHALL BE IMMUNE FROM CERTAIN ACTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS RELATING TO BEEF CATTLE OPERATIONS SHALL BE EXEMPT FROM PUBLIC DISCLOSURE; AMENDING SECTION 25-3801, IDAHO CODE, TO REVISE TERMINOLOGY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 176
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO ENVIRONMENTAL QUALITY; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY

THE ADDITION OF NEW SECTIONS 39-175A, 39-175B AND 39-175C, IDAHO CODE, TO STATE LEGISLATIVE FINDINGS AND PURPOSES, TO PROVIDE FOR THE RELATIONSHIP BETWEEN STATE AND FEDERAL LAW, TO PROVIDE A PROCESS FOR APPROVAL OF A STATE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM.

HOUSE BILL NO. 177
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-624, IDAHO CODE, TO PROVIDE FOR THE DUTY OF A DRIVER OF A MOTOR VEHICLE UPON APPROACHING A STATIONARY POLICE VEHICLE OR AN AUTHORIZED EMERGENCY VEHICLE DISPLAYING FLASHING LIGHTS AND TO PROVIDE FOR THE DUTY OF A DRIVER OF A STATIONARY POLICE OR AUTHORIZED EMERGENCY VEHICLE DISPLAYING FLASHING LIGHTS.

HOUSE BILL NO. 178
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO PASSENGER SAFETY FOR CHILDREN; AMENDING SECTION 49-672, IDAHO CODE, TO PROVIDE PASSENGER SAFETY FOR CHILDREN SIX YEARS OF AGE OR YOUNGER WHEN TRANSPORTED IN A NONCOMMERCIAL VEHICLE, TO PROVIDE PROPER TERMINOLOGY AND TO MAKE TECHNICAL CHANGES.

HOUSE BILL NO. 179
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO TRANSPORTATION PROJECT FINANCING; AMENDING CHAPTER 3, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-315, IDAHO CODE, TO SET FORTH POWERS AND DUTIES OF THE IDAHO TRANSPORTATION BOARD RELATING TO FEDERALLY-FUNDED HIGHWAY PROJECT FINANCING; AMENDING SECTION 40-702, IDAHO CODE, TO PROVIDE THAT THE STATE HIGHWAY ACCOUNT SHALL INCLUDE CERTAIN FEDERAL SURFACE TRANSPORTATION FUNDS; AMENDING SECTION 40-707, IDAHO CODE, TO PROVIDE FOR APPROPRIATION OF FEDERAL SURFACE TRANSPORTATION MONEYS IN THE STATE HIGHWAY ACCOUNT; AMENDING SECTION 67-6201, IDAHO CODE, TO EXPAND THE PURPOSE OF THE IDAHO HOUSING AND FINANCE ASSOCIATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6205, IDAHO CODE, TO DEFINE THE TERMS "MUNICIPALITY," "STATE," "STATE BODY," "TRANSPORTATION BOARD," "TRANSPORTATION DEPARTMENT" AND "TRANSPORTATION PROJECT"; AMENDING SECTION 67-6206, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS OF THE IDAHO HOUSING AND FINANCE ASSOCIATION; AMENDING CHAPTER 62, TITLE 67, IDAHO CODE, BY THE

ADDITION OF A NEW SECTION 67-6206A, IDAHO CODE, TO PROVIDE FOR COOPERATION WITH MUNICIPALITIES OR STATE BODIES FOR TRANSPORTATION PROJECTS; AMENDING SECTION 67-6210, IDAHO CODE, TO PROVIDE THAT IDAHO TRANSPORTATION BOARD AND LEGISLATIVE APPROVAL AND LOCAL ORDINANCE AUTHORIZING NOTES OR BONDS OR ANY ISSUE THEREOF MAY CONTAIN PROVISIONS WHICH SHALL BE PART OF A CONTRACT, TO PROVIDE THAT THE ASSOCIATION SHALL NOT ISSUE BONDS OR NOTES TO FINANCE TRANSPORTATION PROJECTS UNLESS CERTAIN CONDITIONS ARE MET AND TO PLACE LIMITS ON REISSUE OF BONDS AND NOTES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 180

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE EQUIPMENT AND TRACTION DEVICES; AMENDING SECTION 49-104, IDAHO CODE, TO DEFINE "CHAINS"; AMENDING SECTION 49-123, IDAHO CODE, TO REVISE THE DEFINITION OF COMMERCIAL VEHICLE TO INCLUDE A CODE REFERENCE; AND AMENDING SECTION 49-948, IDAHO CODE, TO PROVIDE THAT THE IDAHO TRANSPORTATION DEPARTMENT MAY ESTABLISH REQUIREMENTS FOR USE OF TRACTION DEVICES ON HIGHWAYS OF THE INTERSTATE AND STATE HIGHWAY SYSTEM, TO REQUIRE PLACING AND MAINTAINING SIGNS AND OTHER TRAFFIC CONTROL DEVICES INDICATING THE EQUIPMENT REQUIRED AND TO PROVIDE AN EXEMPTION FOR AUTHORIZED EMERGENCY VEHICLES AND VEHICLES OPERATED BY THE IDAHO TRANSPORTATION DEPARTMENT.

HOUSE BILL NO. 181

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO SIZE OF MOTOR VEHICLES AND LOAD RESTRICTIONS; AMENDING SECTION 49-1010, IDAHO CODE, TO PROVIDE A RESTRICTION ON THE ALLOWABLE LENGTH OF CERTAIN DROMEDARY COMBINATIONS TRANSPORTING CLASS 1 EXPLOSIVE MATERIALS AS SPECIFIED BY FEDERAL REGULATION AND TO SPECIFY THE ALLOWABLE OVERHANG OR EXTENSION OF A LOAD BEYOND THE END OF A VEHICLE.

HOUSE BILL NO. 182

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE OPERATING FEES AND PENALTIES; AMENDING SECTION 49-434A, IDAHO CODE, TO CLARIFY PENALTIES FOR FAILURE TO PAY OPERATING FEES AND TO DELETE A REFERENCE TO A REPEALED CODE SECTION; AND AMENDING SECTION 49-1013, IDAHO CODE, TO PROVIDE PENALTIES FOR FAILURE TO PAY VEHICLE OPERATING FEES AND FOR

EXCEEDING THE REGISTERED GROSS WEIGHT OR PERMITTED MAXIMUM REGISTERED GROSS WEIGHT OF A VEHICLE.

HOUSE BILL NO. 183

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO LICENSING OF MOTOR VEHICLE DEALERS AND SALESMEN; AMENDING SECTION 49-1613, IDAHO CODE, TO PROVIDE THAT IT IS UNLAWFUL FOR A DEALER TO DISPLAY FOR SALE, EXCHANGE, OR SELL ANY VEHICLE UNLESS THE DEALER HAS DOCUMENTARY EVIDENCE OF HIS RIGHT OF POSSESSION OF EVERY VEHICLE IN HIS POSSESSION.

HOUSE BILL NO. 184

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO ODOMETERS; AMENDING SECTION 49-114, IDAHO CODE, TO DEFINE "MILEAGE"; AND AMENDING SECTION 49-1629, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE NOTICE REQUIREMENT WHEN AN ODOMETER READING IS ADJUSTED AND TO PROVIDE A CODE REFERENCE.

HOUSE BILL NO. 185

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE LAW AND NEIGHBORHOOD ELECTRIC VEHICLES; AMENDING SECTION 49-105, IDAHO CODE, TO EXPAND THE DEFINITION OF "DEALER" TO INCLUDE BUYING, SELLING OR EXCHANGING NEW OR USED NEIGHBORHOOD ELECTRIC VEHICLES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-115, IDAHO CODE, TO PROVIDE A REFERENCE FOR THE DEFINITION OF "NEIGHBORHOOD ELECTRIC VEHICLE" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-123, IDAHO CODE, TO DEFINE "NEIGHBORHOOD ELECTRIC VEHICLE"; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF NEIGHBORHOOD ELECTRIC VEHICLES; AND AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-663, IDAHO CODE, TO PROVIDE FOR RESTRICTED USE OF NEIGHBORHOOD ELECTRIC VEHICLES ON STATE HIGHWAYS.

HOUSE BILL NO. 186

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO COMMERCIAL VEHICLE SPECIAL PILOT PROJECT ROUTES; AMENDING SECTION 49-1004, IDAHO CODE, TO PROVIDE FOUR ADDITIONAL ROUTES.

HOUSE BILL NO. 187

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-416B, IDAHO CODE, TO ESTABLISH A BASQUE SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 188**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO PROCEDURES GOVERNING ABUSE AND NEGLECT INVESTIGATIONS; AMENDING SECTION 16-1623, IDAHO CODE, TO PROVIDE REQUIREMENTS GOVERNING DEPARTMENT REPRESENTATIVES WHO PARTICIPATE IN AN INVESTIGATION.

HOUSE BILL NO. 189**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO THE STATE MEDICAL ASSISTANCE PROGRAM; AMENDING SECTION 56-209d, IDAHO CODE, TO PROVIDE THAT THE COSTS OF PHYSICIAN AND HOSPITAL SERVICES FOR LUNG, PANCREAS OR OTHER ORGAN TRANSPLANTS CONSIDERED EXPERIMENTAL PROCEDURES AND MULTIPLE ORGAN TRANSPLANTS ARE EXCLUDED FROM MEDICAL ASSISTANCE PAYMENT AND TO PROVIDE THAT TREATMENTS AND PROCEDURES USED SOLELY TO GAIN FURTHER EVIDENCE OR KNOWLEDGE OR TO TEST THE USEFULNESS OF A DRUG OR TYPE OF THERAPY ARE NOT COVERED FOR PAYMENT BY THE MEDICAL ASSISTANCE PROGRAM.

HOUSE BILL NO. 190**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO REIMBURSEMENT RATES UNDER MEDICAID; AMENDING CHAPTER 1, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-118, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL IMPLEMENT A METHODOLOGY FOR REVIEWING AND DETERMINING REIMBURSEMENT RATES TO PRIVATE BUSINESSES PROVIDING DEVELOPMENTAL DISABILITY AGENCY SERVICES, MENTAL HEALTH SERVICES, SERVICE COORDINATION AND CASE MANAGEMENT SERVICES, RESIDENTIAL HABILITATION AGENCY SERVICES AND AFFILIATED RESIDENTIAL HABILITATION SPECIALIZED FAMILY HOME SERVICES ANNUALLY, TO PROVIDE REQUIREMENTS FOR THE METHODOLOGY, TO PROVIDE FOR A REPORT AND TO PROVIDE THE EFFECT OF THE REVIEW.

HOUSE BILL NO. 191**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO THE PRACTICE OF PHYSICAL

THERAPY; AMENDING SECTION 54-2213, IDAHO CODE, TO SET FORTH CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF ACTIVE LICENSES; AND AMENDING SECTION 54-2214, IDAHO CODE, TO REQUIRE PROOF OF COMPLETION OF CONTINUING EDUCATION REQUIREMENTS.

HOUSE BILL NO. 192**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO THE PRACTICE OF PHYSICAL THERAPY; AMENDING SECTION 54-2203, IDAHO CODE, TO DEFINE THE TERM "LICENSURE BOARD" AND TO REMOVE LANGUAGE REFERENCING AN ADVISORY COMMITTEE; AMENDING SECTION 54-2205, IDAHO CODE, TO PROVIDE FOR THE PHYSICAL THERAPY LICENSURE BOARD; AND AMENDING SECTION 54-2219, IDAHO CODE, TO PROVIDE REFERENCES TO THE LICENSURE BOARD.

HOUSE BILL NO. 193**BY TRANSPORTATION AND DEFENSE COMMITTEE**

AN ACT

RELATING TO PORTS OF ENTRY AND CHECKING STATIONS ESTABLISHED BY THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING SECTION 40-510, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 40-511, IDAHO CODE, TO CLARIFY THE ENFORCEMENT AUTHORITY OF TRANSPORTATION DEPARTMENT EMPLOYEES AT PORTS OF ENTRY AND CHECKING STATIONS.

HOUSE BILL NO. 194**BY TRANSPORTATION AND DEFENSE COMMITTEE**

AN ACT

RELATING TO LICENSING OF MOTOR VEHICLE DEALERS AND SALESMEN; AMENDING SECTION 49-1607, IDAHO CODE, TO PROVIDE FOR ASSESSMENT OF A REINSTATEMENT FEE; AMENDING SECTION 49-1608, IDAHO CODE, TO REQUIRE PAYMENT OF A REINSTATEMENT FEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1608A, IDAHO CODE, TO REQUIRE A CERTIFICATE OF INSURANCE AS A CONDITION OF OBTAINING OR RENEWING A VEHICLE OR VESSEL DEALER'S OR MANUFACTURER'S LICENSE, TO PROVIDE FOR FILING A CERTIFICATE WITH THE IDAHO TRANSPORTATION DEPARTMENT AND TO PROVIDE FOR REINSTATEMENT OF A LICENSE SUSPENDED FOR FAILURE TO MAINTAIN INSURANCE; AND AMENDING SECTION 49-1612, IDAHO CODE, TO PROVIDE FOR SUSPENSION OF A DEALER'S OR MANUFACTURER'S LICENSE FOR FAILURE TO MAINTAIN A PRINCIPAL PLACE OF BUSINESS, TO PROVIDE FOR APPEAL OF THE SUSPENSION, TO REQUIRE PAYMENT OF A REINSTATEMENT FEE, TO PROVIDE PROPER TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 195
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO THE CHIP PLAN B HEALTH INSURANCE PROGRAM; AMENDING SECTION 56-239, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT REGARDING THE CHIP PLAN B PROGRAM, TO PROVIDE THAT THE CHIP PLAN B ADVISORY BOARD SHALL ESTABLISH AN ANNUAL RESERVE AND TO PROVIDE FOR REPORTS BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE REGARDING THE CHIP PLAN B PROGRAM.

HOUSE BILL NO. 196
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO ABORTION; REPEALING SECTION 18-609, IDAHO CODE; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO DEFINE TERMS, TO PROVIDE AN INFORMED CONSENT REQUIREMENT, TO PROVIDE DUTIES, TO PROVIDE NOTICE, TO PROVIDE PUBLICATION OF MATERIALS, TO PROVIDE FOR MEDICAL EMERGENCIES, TO PROVIDE CRIMINAL PENALTIES, TO PROVIDE CIVIL PENALTIES, TO PROVIDE REPORTING REQUIREMENTS, TO PROVIDE FOR CONSTRUCTION OF THE ACT, TO PROVIDE FOR A RIGHT OF INTERVENTION BY MEMBERS OF THE LEGISLATURE AND TO PROVIDE SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

H 165, H 166, H 167, H 168, H 169, H 170, H 171, H 172, H 173, H 174, H 175, H 176, H 177, H 178, H 179, H 180, H 181, H 182, H 183, H 184, H 185, H 186, H 187, H 188, H 189, H 190, H 191, H 192, H 193, H 194, H 195, and H 196 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1052, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1064 and **S 1067**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

SCR 105, by Local Government and Taxation Committee, was read the second time by title and filed for third reading.

H 132 and **H 133**, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 62 and **H 64**, by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

HJM 2, by State Affairs Committee, was read the second time by title and filed for third reading.

H 87, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 14, 2005. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Monday, February 14, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:04 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk